

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:10cv576**

RICKEY CHARLES SANDERS,)	
)	
Plaintiff,)	
)	
Vs.)	ORDER
)	
CMPD; WCNC NEW 36; LAURA)	
S. ORLOV; MARK BOONE; and)	
MIKE MELENDEZ,)	
)	
Defendants.)	
_____)	

THIS MATTER is before the court on plaintiff's Dismissal of Pending or Current Case (#14). Mr. Sanders advises in such motion that he is dismissing this action in its entirety due to health issues and relocation to another distant state. Plaintiff, who is proceeding *pro se*, does not state whether he consulted with counsel for defendants. In their timely filed response, the municipal defendants state that any dismissal should be with prejudice as the action against them is baseless and that the court should award defendants their costs and fees. While the Complaint is certainly no model of clarity, all defendants (including the private defendants) answered the Complaint, but did not support their respective motions to dismiss with memoranda of law. L.Cv.R. 7.1. Thus, the court cannot conclude that plaintiff's Complaint was

wholly baseless. Indeed, in allowing plaintiff to proceed *in forma pauperis* in this matter, the court conducted the required analysis under 28, United States Code, Section 1915(e)(2), and found as follows:

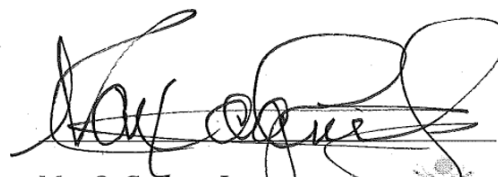
From the face of the Complaint, it appears that plaintiff is attempting to assert civil rights claims under 42, United States Code, Sections 1983 and 1985. Plaintiff attempts to bring into this action media members through allegations of a conspiracy with state actors. Plaintiff is advised such allegations may not pass plausibility review and could result in the dismissal of such claims at a later date.

Order (#5), at p. 2. Review of the answers of the respective parties reveals that the parties have come to the same conclusion. The court will, therefore, dismiss the action without prejudice and deny the request for fees and costs (presumably made under 42 U.S.C. § 1988) as there is no prevailing party.

ORDER

IT IS, THEREFORE, ORDERED that plaintiff's Dismissal of Pending or Current Case (#14) is **DEEMED** to be a unilateral Motion to Dismiss this action, and such motion is **GRANTED** and this action is **DISMISSED WITHOUT PREJUDICE** in its entirety.

Signed: May 10, 2011



Max O. Cogburn Jr.
United States District Judge